

Notice of Allowability

Application No.

09/714,032

Examiner

Stephen M. D'Agosta

Applicant(s)

CAST ET AL.

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 3-31-05.
2. ☒ The allowed claim(s) is/are 1-4,7-14,16,17 and 19-24.
3. ☒ The drawings filed on 17 November 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Arguments

The applicant's amendment, along with the Examiner's Amendment below, overcomes the primary examiner's prior art rejection. Hence claims 1-4, 7-14, 16-17 and 19-24 are allowed.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Meininger (503-419-0705) on 4-20-05 (via voicemail message).

In the applicant's amendment received 3-31-05, please replace claims 1, 13 and 23 with the following:

Claim 1. A method of controlling a message sent from a message source to a message receiving device using a gateway, the method comprising;

transmitting a data unit associated with the message from the message source to the gateway;

determining whether the message source has exceeded a threshold value of a number of messages sent from the message source, the threshold being independent of the aggregate number of messages being sent to the gateway;

transmitting a response signal from the gateway to the message source indicating an error if the message source has exceeded the threshold value; and

logging in the gateway all events associated with determining whether the message source has exceeded the threshold value, including logging the time, message source subject to throttle control, number of messages rejected and throttle control limit.

Claim 13. A method of providing throttle control in a gateway between a message source and a destination message center, the method comprising:

- receiving a message from a message source at the gateway;
- determining whether the message source has exceeded a throttle control limit of a number of messages sent from the message source, the throttle control limit being independent of the aggregate number of messages being sent to the destination message center;
- transmitting a throttling error to the message source if the message source has exceeded the throttle control limit according to the determining step;
- invoking throttle control if the message source has exceeded the throttle control limit according to the determining step; and
- storing a throttle control limit on a per message source basis in the gateway.

Claim 23. A method of providing throttle control in gateway between a message source and a destination message center, the method comprising:

- receiving a message from a message source at the gateway;
- determining whether the message source has exceeded a throttle control limit of a number of messages sent from the message source, the throttle control limit being independent of the aggregate number of messages being sent to the destination message center;
- transmitting a throttling error to the message source if the message source has exceeded the throttle control limit according to the determining step,
- issuing an alarm from the gateway to the message source when throttle control is invoked;
- issuing a message source alarm from the message source to the gateway when the message source receives the throttling error.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

1. The applicant has amended per the primary examiner's recommendations.

Therefore these new claims contain novel material, in the examiner's opinion, over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
PRIMARY EXAMINER
4-21-2005

A handwritten signature in black ink, appearing to be 'SD' or 'D'Agosta'.